



National NAGPRA Program

FY2006 Final Report

for the period October 1, 2005-September 30, 2006

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National NAGPRA Program Introduction

This report covers activities of the National NAGPRA Program for fiscal year 2006 (October 1, 2005 – September 30, 2006). All information and statistics reported are current as of close of business, September 30, 2006. Regular reports on the National NAGPRA Program's work are available on the program's Website <http://www.cr.nps.gov/nagpra/DOCUMENTS/INDEX.htm>.

The Native American Graves Protection and Repatriation Act (NAGPRA) was enacted on November 16, 1990, to address the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations to certain Native American cultural items, including human remains, funerary objects, sacred objects, and objects of cultural patrimony. The Act assigned implementation responsibilities to the Secretary of the Interior, including:

- Administering the obligations of museums and Federal agencies with regard to collections of cultural items, as follows:
 - Extending inventory deadlines for museums that demonstrate a good faith effort to comply with the law,
 - Publishing notices for museums and Federal agencies in the Federal Register,
 - Creating and maintaining a database of Culturally Unidentifiable Native American Human Remains,
 - Making grants to assist museums in fulfilling their responsibilities and to Indian tribes and Native Hawaiian organizations in exercising their rights under the Act,
 - Assessing civil penalties on museums that fail to comply with provisions of the Act, and
 - Establishing and providing staff support to the Native American Graves Protection and Repatriation Review Committee.
- Providing oversight and technical assistance in those instances where there are excavations and discoveries of cultural items on Federal and tribal lands;
- Promulgating and implementing regulations;

- Providing technical assistance through training programs, website information, and support to law enforcement investigations of illegal trafficking in Native American human remains and cultural items.

The National Park Service was delegated some of these responsibilities shortly after NAGPRA became law. On May 23, 2005, the Secretary of the Interior clarified program responsibilities and staff obligations for reporting to the Assistant Secretary for Fish and Wildlife and Parks, in consultation with the Assistant Secretary, Indian Affairs (Note: Organizational Chart, p. 18). The National NAGPRA Program is the omnibus compliance program, the constituent groups of which are all Federal agencies, museums that receive Federal funds, Indian tribes, and Native Hawaiian organizations.

The National Park Service also has compliance obligations for parks. In FY 2006, the NPS NAGPRA office was located in the Office of Indian Affairs and American Culture, Intermountain Region, Denver, CO.

This report and subsequent reports will follow the organization of the National NAGPRA Program and its responsibilities pertaining to collections, excavations/discoveries, regulations, and technical assistance given to Indian tribes and Native Hawaiian organizations and the museums and Federal agencies that have obligations for NAGPRA compliance.

Summary of the Year 2006

The following are highlights of the year and program statistics in brief.

Collections:

- Summaries received: 1063 total
 - Plus 459 reporting no collection requiring a summary
- Inventories received: 963 total
 - Plus 279 reporting no collection requiring an inventory
- Notices of Inventory Completion:
 - 72 published in FY 2006
 - 939 published in total
 - account for 31,958 human remains and 669,450 associated funerary objects
- Notices of Intent to Repatriate
 - 28 published in FY 2006
 - 345 published in total
 - account for 102,455 unassociated funerary objects, 3,570 sacred objects, 281 objects of cultural patrimony, and 709 objects that are sacred and cultural patrimony
- Notice processing:
 - 105 received/100 published
 - backlog of aging notices (pre-2000) reduced 33%
- Culturally Unidentifiable Native American Human Remains:
 - Found in 678 inventories
 - Found in 630 institutions
 - 118,234 minimum number of individuals
 - 2,175 identified to date
 - 2,370 transferred in dispositions
- Grants:
 - Requests in 2006-\$3.7M
 - Awarded in 2006-\$1.9M
 - 28 consultation/document grants awarded
 - 11 repatriation grants awarded
 - 523 total grants awarded totaling \$27.2M

- Civil Penalties (first year reporting):
 - 13 investigations of allegations of failure to comply were investigated
 - 11 findings no failure to comply
 - 2 notices of failure to comply
 - 1 notice of penalty assessment
- Review Committee
 - November 16-17, 2005, Albuquerque, NM
 - March 3, 2006 (Telephonic)
 - May 30-31, 2006, Juneau, AK
 - Recommended disposition for 95 individuals/61 associated funerary objects

Excavation and Discoveries:

- 65 pairs of notices published
 - 7 during 2006

NAGPRA Regulations 43 CFR 10:

- 10.11 Culturally Unidentifiable - proposed rule - Department Review
- 10.18 Future Applicability - Final Rule - Department Review
- 10.7 Unclaimed – Under development - 2 consultations in 2006

Technical Assistance:

- Training given to 1,189 individuals
- 4 responses to Congressional requests
- New database launched: Indian Land Cessions 1784-1994 Royce Treaty maps/aboriginal land

Collections – 25 U.S.C. 3003 - 3005

The National NAGPRA Program carries out a number of the Secretary of the Interior's responsibilities related to the repatriation of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony in the possession or control of museums and Federal agencies. These responsibilities include serving as a repository for summaries and inventories; publishing notices in the Federal Register; administering grants to Indian tribes, Native Hawaiian organizations, and museums; providing staff support to the Native American Graves Protection and Repatriation Review Committee; and providing staff support to the Assistant Secretary for Fish and Wildlife and Parks on the execution of provisions for civil penalties against museums that fail to comply with the Act.

The collections sections of NAGPRA describe the inventories, summaries, grants, civil penalties, and the Review Committee, which has functions in the administration of the law. The collections provisions of NAGPRA pertain to the responsibilities of Federal agencies and museums to inventory collections of Native American human remains and associated funerary objects in consultation with potentially affiliated Indian tribes and Native Hawaiian organizations and to submit an itemized list to the National NAGPRA Program. The decisions of agencies made in inventories are reflected in Notices of Inventory Completion and in the list of Culturally Unidentifiable Human Remains, which are available on public databases. Summaries generally describe collections that may include Native American unassociated funerary objects, sacred objects, and objects of cultural patrimony, and inform consultation between museums and Federal agencies and Indian tribes and Native Hawaiian organizations on repatriation issues. Decisions to effectuate repatriation of unassociated funerary objects, sacred objects and objects of cultural patrimony are reflected in the published Notices of Intent to Repatriate.

Grants are available to museums, Indian tribes, and Native Hawaiian organizations for consultation and identification of items culturally affiliated to Indian tribes and Native Hawaiian organizations and to cover costs of repatriation. Civil penalties may be imposed upon museums found in non-compliance with the law. The entire NAGPRA process pertaining to collections is within the jurisdiction of the Native American Graves Protection and Repatriation Review Committee, which advises

the Secretary on implementation and makes recommendations toward the resolution of disputes.

The following report of summaries, inventories, and culturally unidentifiable human remains reflects an update of numbers given in prior reports and is based upon a review of the National NAGPRA Program records as of September 30, 2006. For more information on notices, contact Jaime Lavallee, Notice Backlog Reduction Project (Jaime_Lavallee@contractor.nps.gov). For more information on the Culturally Unidentifiable Native American Inventories Database, contact Cynthia Murdock, Database and Web Coordinator (Cynthia_Murdock@nps.gov).

Summaries and Notices of Intent to Repatriate

Museums and Federal agencies are required to prepare summaries of collections or holdings in their possession or control that may include unassociated funerary objects, sacred objects, and objects of cultural patrimony, and provide the summaries to Indian tribes and Native Hawaiian organizations that may be culturally affiliated with the cultural items. Museums and Federal agencies also provide a copy of the summary to the National NAGPRA Program.

As of September 30, 2006, the National NAGPRA Program had logged summaries from 1,063 institutions, including 289 Federal agency units and 774 museums. Also logged were 459 statements of “no summary required,” including 350 Federal agency units and 109 museums.

There have been 345 Notices of Intent to Repatriate published, an increase of 28 notices during FY2006. These 345 notices account for 102,455 funerary objects, 3,570 sacred objects, 281 objects of cultural patrimony, and 709 sacred objects that are also cultural patrimony. The 28 new notices represent 10,303 unassociated funerary objects, 9 sacred objects, 6 objects of cultural patrimony, and 45 sacred objects that are also objects of cultural patrimony.

Inventories and Notices of Inventory Completion

Museums and Federal agencies are required to prepare inventories of human remains and associated funerary objects in consultation with Indian tribes and Native Hawaiian organizations and provide the inventories to the culturally affiliated Indian tribes and Native Hawaiian organizations. Museums and Federal agencies also provide a copy of the inventory to the National NAGPRA Program.

As of September 30, 2006, the National NAGPRA Program had logged inventories from 963 institutions. Also logged were 279 statements of “no inventory required,” from 141 Federal agency units and 138 museums.

Prior to repatriating human remains and associated funerary objects, museums and Federal agencies must publish a Notice of Inventory Completion in the Federal Register. The National NAGPRA Program has published 939 Notices of Inventory Completion on behalf of originating museums and Federal agencies, accounting for 31,958 human remains and 669,450 associated funerary objects. There were 72 Notices of Inventory Completion published during FY2006, accounting for 1,373 human remains and 36,011 associated funerary objects.

Culturally Unidentifiable Native American Human Remains

As part of providing administrative support for the Review Committee, the National NAGPRA Program has compiled the Review Committee’s inventory of culturally unidentifiable (CUI) human remains, as required by 25 U.S.C. 3006

(c)(5). The National NAGPRA Program has entered 678 inventories containing culturally unidentifiable Native American human remains from 630 institutions (450 museums and 180 Federal agencies) accounting for a minimum of 118,234 individuals for which cultural affiliation had not yet been determined at the time of inventory submission, and 845,769 funerary objects associated with those individuals.

The public access database is 100% complete, with updates entered as they are submitted. The database provides information on entries where the individuals were subsequently culturally affiliated or where control has been resolved through a disposition. The number of CUI subsequently culturally affiliated is 2,175 and the number of dispositions is 2,370. (Note: Variations in numbers from the midyear reports are due to increased reporting and corrections to earlier inventories).

Grants

NAGPRA authorizes the Secretary of the Interior to make grants to museums, Indian tribes, Native Alaskan villages and corporations, and Native Hawaiian organizations to assist in consultation and in the inventory, documentation, and repatriation of Native American human remains and other cultural items. Congress has appropriated annual funds for NAGPRA grants since FY1994. From FY1994 through FY2006, there have been 1,174 grants requests, totaling \$77 million. During that period, the National Park Service awarded 523 NAGPRA grants for a total of \$27.2 million. Congress appropriated \$2.4 million for grants in FY2006.

There are two parts to the National NAGPRA grants program: consultation/documentation grants and repatriation grants.

Consultation/documentation grants are awarded in amounts up to \$75,000 per project on a competitive basis. Applications are due by March 1 of each year, although they may be submitted in draft by December 29, for review and assistance from the grants coordinator. It is not unusual for museums and Indian tribes and Native Hawaiian organizations to combine their

efforts in a request for a project. A total of 57 consultation/documentation grants applications were received in FY2006; with 45 from Indian tribes and Native Hawaiian organizations and 12 from museums. Consultation/documentation grant applications were reviewed by an outside panel that included: Ronald C. Wilson, Department of the Interior, Interior Museum Program; Kaiini Kimo Kaloi, Department of the Interior, Office of Hawaiian Relations; Carolyn J. McClellan, Bureau of Land Management, Cultural and Paleontological Resources and Tribal Consultation Group; Emily Palus, Bureau of Indian Affairs, Museum Program; and Karen Coody Cooper, Smithsonian Institution, National Museum of the American Indian. Each applicant received an individualized letter from the grants coordinator containing valuable feedback from the panel to assist applicants in preparing better grant proposals in the future and in administering successful projects.

Repatriation grants are awarded throughout the year on a non-competitive basis, after review by National NAGPRA staff, to the extent there are funds available, not to exceed \$15,000.

Applications for a repatriation grant may be made once the applicable notice is published in the Federal Register, although funding will not be approved until the National NAGPRA Program receives the final document evidencing transfer of control. Repatriation grants fund the transfer of possession, including, preparation of human remains and objects for transfer, travel, ceremony, and remediation of toxins.

The total amount of the requests in FY2006 was \$3.7 million, \$2.9 million from Indian tribes and Native Hawaiian organizations and \$.8 million from museums. This represents an increase of 12 applications from FY2005 and an increase of \$400,000 in requests. The grant recipients for FY2006 are listed on the next page.

In FY2005, \$5,000 remained from grant funds that were not expended for repatriation grants. Those funds were transferred to NPI to provide tuition waivers to tribes for NAGPRA training in FY2006. The recipients are listed on page 7.

This information, including grant guidelines and applications, is available on the National NAGPRA website, <http://www.cr.nps.gov/nagpra/GRANTS/>. For more information on grants, contact Michelle J. Wilkinson, Grants Coordinator (Michelle_J_Wilkinson@nps.gov).

Civil Penalties

NAGPRA authorizes the imposition of a civil penalty against any museum that fails to comply with the requirements of the Act. Interim regulations specifying the civil penalty process were promulgated in 1997 and the final rule was published in 2003. On May 23, 2005, the Secretary of the Interior delegated the responsibility for assessing civil penalties to the Assistant Secretary for Fish and Wildlife and Parks. The NAGPRA civil penalty coordinator, who serves in the National NAGPRA Program, and a National Park Service law enforcement investigator provide staff support to the Assistant Secretary.

In FY2006, investigations of three museums were completed, involving a total of 13 allegations of failure to comply. Of the 13 allegations, 11 were determined to be unsubstantiated. A Notice of Failure to Comply was served on one museum, with determination of the penalty amount currently under consideration by the Assistant Secretary. The Assistant Secretary is also considering issuance of a second Notice of Failure to Comply on another museum. The remaining pending cases of allegations of failure to comply have been reviewed by the investigator and a plan for addressing these within FY2007 is being developed. Development of the first two cases involved establishing file controls, template letters for a Notice of Failure to Comply, Notice of No Failure to Comply, and Notice of Penalty Assessment.

The National NAGPRA website contains guidance on allegations that a museum has failed to comply, complete with a template letter for reporting a violation, at: www.cr.nps.gov/nagpra/civil_penalties, or contact David Tarler, Civil Penalty and Training Coordinator (David_Tarler@nps.gov).

FY2006 Grants

Consultation/Documentation Grants

Arkansas Archeological Survey, AK	\$73,769
Caddo Nation, OK	\$69,853
Chickasaw Nation, OK	\$39,653
Council of Native Hawaiian Advancement, HI	\$74,577
Dry Creek Rancheria of Pomo Indians, CA	\$74,787
Field Museum of Natural History, IL	\$21,225
Greenville Rancheria of Maidu Indians, CA	\$74,959
Hopi Tribe, AZ	\$56,200
Hualapai Indian Tribe of the Hualapai Indian Reservation, AZ	\$74,974
Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation, WI	\$73,515
Makah Indian Tribe of the Makah Indian Reservation, WA	\$65,622
Missouri Dept. of Natural Resources, MO	\$32,480
Museum of Northern Arizona, AZ	\$74,629
Paiute-Shoshone Tribe of the Fallon Reservation and Colony, NV	\$75,000
Pawnee Nation, OK	\$75,000
Pueblo of Jemez, NM	\$48,784
Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, NV	\$75,000
San Diego Archaeological Center, CA	\$75,000
Sitka Tribe of Alaska	\$74,846
Skokomish Indian Tribe of the Skokomish Reservation, WA	\$69,924
Smith River Rancheria, CA	\$60,255
Three Affiliated Tribes of the Fort Berthold Reservation, ND	\$73,012
Univ. of Colorado, Boulder, CO	\$75,000
Upper Sioux Community, MN	\$5,711
Winnebago Tribe, NE	\$74,844
Yavapai-Prescott Tribe of the Yavapai Reservation, AZ	\$36,454
Yurok Tribe of the Yurok Reservation, CA	\$74,610
Zuni Tribe of the Zuni Reservation, NM	\$74,964
Total Consultation/Documentation Grants	\$1,774,647

Repatriation Grants

Chickasaw Nation, OK	\$5,575
Colorado Historical Society, CO	\$14,750
Confederated Tribes of the Warm Springs Reservation, OR	\$10,705
Confederated Tribes of the Warm Springs Reservation, OR	\$14,801
Denver Museum Nature and Science, CO	\$10,665
Fort Collins Museum, CO	\$14,661
Fort Collins Museum, CO	\$1,714
Hoonah Indian Association, AK	\$12,600
Jamestown S'Klallam Tribe, WA	\$15,000
Sealaska Corporation, WA	\$14,978
Stockbridge Munsee Community, WI	\$4,792
Total Repatriation Grants	\$120,241

Total of all grants awarded for FY2006	\$1,894,888
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Grants to tribes for training tuition waivers in FY 2006

Course: Archaeological Curation
Seattle, Washington, Sept. 11-14, 2006

Salt River Pima-Maricopa Indian Community (2)
Confederated Tribes of the Umatilla
Indian Reservation (1)

Course: Native American Cultural Property Law
Santa Fe, New Mexico, Sept. 27-28, 2006

Salt River Pima-Maricopa Indian Community (2)
Tohono O'odham Nation (2)
Ak-Chin Indian Community (2)
Navajo Nation (2)
Hualapai Tribe (2)
Pueblo of Zuni (2)
Haudenosaunee (1)

Review Committee

The Native American Graves Protection and Repatriation Review Committee was established under NAGPRA with responsibilities that include monitoring and reviewing the implementation of the inventory and identification process and repatriation activities. The National NAGPRA Program provides administrative and staff support to the Review Committee on behalf of the Secretary of the Interior.

The Review Committee is organized and administered according to the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix (1994). In accordance with FACA, the Review Committee's charter must be filed every two years. The Review Committee's current charter expires on November 16, 2006.

The Review Committee's current charter identifies the National NAGPRA Program manager or designee as the Review Committee's Designated Federal Officer, a role required by the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix (1994). The Designated Federal Officer (DFO) must (a) Approve or call the meeting of the advisory committee or subcommittee; (b) Approve the agenda; (c) Attend the meetings; (d) Adjourn any meeting when he or she determines it to be in the public interest; and (e) Chair the meeting when so directed by the agency head (41 CFR 102–3.120). The DFO must also “ensure that minutes are certified within 90 calendar days of the meeting to which they relate” (41 CFR 102–3.165 (c)). In the Review Committee's charter, the DFO is required by section 10 of FACA to oversee the management of the Committee. The DFO is not a member of the Review Committee. Dr. Sherry Hutt, Manager, National NAGPRA Program, delegated Dr. C. Timothy McKeown to serve as DFO from October 1, 2004–September 30, 2006.

Review Committee members are appointed by the Secretary of the Interior from nominations solicited from individuals and groups as stipulated in Section 8 of NAGPRA.

Committee members appointed from nominations received from traditional religious leaders, Indian tribes, and Native Hawaiian organizations are Willie Jones (Lummi), Lee Staples (Mille Lacs), and Rosita Worl (Tlingit). Mr. Jones and Mr. Staples are traditional religious leaders, Dr. Worl is the current Review Committee chair. In December 2005, member Lee Staples resigned from the Review Committee. On February 1, 2006, a notice was published in the Federal Register soliciting nominations from Indian tribes, Native Hawaiian organizations, and traditional Native American religious leaders, to be submitted to the Secretary for the appointment of a replacement who is a traditional Indian religious leader. The period for nominations ended April 3, 2006.

Committee members appointed from nominations received from national museum organizations and scientific organizations are Garrick Bailey (University of Tulsa), Dan Monroe (Peabody and Essex Museum), and Vincas Steponaitis (University of North Carolina, Chapel Hill).

The Review Committee's seventh member, appointed from nominations submitted and consented to by the other Review Committee members, is Colin Kippen (Native Hawaiian).

The Review Committee carries out its specific responsibilities under NAGPRA (25 U.S.C. 3006 (c)), through public meetings, published findings and recommendations, and reports to the Congress.

For more information about the Review Committee, contact Dr. Timothy McKeown, Designated Federal Officer, National NAGPRA Program (Tim_McKeown@nps.gov).

The Review Committee held three meetings in FY2006.

- On November 16-17, 2005, the Review Committee met in Albuquerque, NM.
- On March 3, 2006, the Review Committee met in a public teleconference linking the members with ten remote locations across the country from the eastern seaboard to Anchorage, AK and Honolulu, HI.

- On May 30-31, 2006, the Review Committee met in Juneau, AK.

The Review Committee was provided with bi-yearly reports of the activities of the National NAGPRA Program.

The Review Committee chair and the DFO considered requests for review and findings according to the Review Committee's Review and Findings Procedures.

The Review Committee issued its final recommendations regarding specific actions for developing a process for dispositions of culturally unidentifiable human remains in 2000 and has reviewed draft proposed regulations to implement such a process. In the absence of regulations, the Review Committee makes recommendations to the Secretary on a case-by-case basis. Recommendations in FY2006 were:

- At the November meeting, the Review Committee recommended the disposition of the remains of 70 individuals and 11 associated funerary objects from the South Dakota Archaeological Research Center to the Flandreau Santee Sioux Tribe on behalf of themselves and a consortium of 17 federally recognized Indian tribes. A letter from the DFO recommended that the South Dakota Archaeological Research Center proceed with the disposition.
- At the March meeting, the Review Committee recommended the disposition of: the remains of 24 individuals and 50 associated funerary objects from Mesa Verde National Park, National Park Service to 22 Indian tribes. The Review Committee also recommended the disposition of the remains of one individual in the possession of Mesa Verde National Park, but under the control of the Bureau of Indian Affairs to the same 22 Indian tribes. Separate letters from the DFO recommended that Mesa Verde National Park and the Bureau of Indian Affairs proceed with the disposition.
- At the May meeting, the Review Committee recommended that the State of Iowa proceed with disposition of culturally unidentifiable human remains that may be recovered in the future pursuant to an agreement between the Iowa Office of the State Archaeologist, State Historical Society of Iowa, and 23 signatory tribes. A letter from the DFO recommended disposition proceed according to the agreement once all parties had signed the agreement.

Excavations and Discoveries – 25 U.S.C. 3002

NAGPRA requires that the ownership or control of Native American cultural items that are excavated or discovered on Federal or tribal lands after November 16, 1990, be subject to disposition in a priority order specified in the Act.

The National NAGPRA Program has responsibilities under the excavations and discoveries section of the law to maintain the records of notices of intended disposition published in newspapers.

update the National NAGPRA Program of their dispositions not contained in the program records. A listing is available at:
<http://www.cr.nps.gov/nagpra/notices/NID.pdf>.

Notices of Intended Disposition

An adjusted 65 pairs of notices have been published, an increase of 7 pairs of notices during FY2006. Agencies were sent a request to

NAGPRA Regulations – 43 CFR 10

By delegation of authority from the Secretary of the Interior, the National NAGPRA Program is responsible for drafting regulations to implement the Act.

Regulations provide clarification and guidance in interpreting and implementing Federal laws. Prior to publishing a final regulation, Federal agencies must publish proposed rules that include either the terms or substance of the proposed rule and/or a description of the subjects and issues involved. The National Park Service follows the Administrative Procedures Act and other statutes in promulgating regulations. Draft regulations are reviewed internally within the National NAGPRA Program, in other programs and the Director's office within the National Park Service, and within the U.S. Department of the Interior prior to publication for public comment or as a proposed rule. The Native American Graves Protection and Repatriation Review Committee has an active role in the preparation of 43 CFR 10. The Review Committee, as provided in Section 8 of NAGPRA, provides initial commentary and guidance for preparation of drafts by National NAGPRA staff. After the National Park Service completes an internal review of the draft regulations, the National NAGPRA Program provides copies to the Review Committee for additional comment. Interested persons may participate in the rulemaking through Review Committee meetings and submission of written comments.

Technical Changes

The technical changes implementing Secretarial Order 3261 went into effect on September 30, 2005. The changes include replacing the responsible party for receipt of notices and responsibility for managing the National NAGPRA Program functions from the Departmental Consulting Archeologist (DCA) and others to the National NAGPRA Program manager.

Reserved Sections

Information about reserved sections of the regulations is available on the National

NAGPRA Program's website at http://www.cr.nps.gov/nagpra/MANDATES/Reserved_Sections.htm.

Currently, four reserved sections of the NAGPRA regulations remain to be promulgated:

- **Section 10.7. Disposition of unclaimed human remains, funerary objects, sacred objects, or objects of cultural patrimony.** This section addresses a process for resolving situations that arise when human remains, funerary objects, sacred objects, or objects of cultural patrimony are removed from Federal or tribal lands after November 16, 1990, and are not claimed by a lineal descendant, federally recognized Indian tribe, or Native Hawaiian organization. The National NAGPRA Program initiated consultation on this section at the Review Committee's November 2005 meeting in Albuquerque, NM.
- **Section 10.11. Disposition of culturally unidentifiable human remains.** A draft of this section was provided for Review Committee comment at the May 2002 meeting in Tulsa, OK, and the November 2002 meeting in Seattle, WA. The draft regulations were edited to incorporate the Review Committee's comments and a proposed rule is currently under review within the Department of the Interior. The proposed rule will be published for public comment.
- **Section 10.13. Future applicability.** The Review Committee reviewed a draft of this section in 1996 and in 2002. A proposed rule was approved for publication by the Assistant Secretary for Fish and Wildlife and Parks on September 24, 2004, and was published for public comment on October 20, 2004. Comments were received from museums, Federal agencies, national scientific and museum organizations, national Native American organizations, and non-federally recognized Native American

groups. The final rule is under review by the Department of the Interior.

- **Section 10.15 (b). Failure to claim where no repatriation or disposition has**

occurred. Drafting has not yet begun on this section of the regulations.

For more information on regulations contact Dr. C. Timothy McKeown, Program Officer, National NAGPRA Program,
(Tim_McKeown@nps.gov)

Technical Assistance

The National NAGPRA Program recognizes the importance of providing regular and accessible NAGPRA training to help further understanding of the statute, regulations, and their requirements. The National NAGPRA Program also seeks to raise public awareness of NAGPRA and NAGPRA compliance responsibilities through a variety of outreach activities.

Training

The National NAGPRA Program offers both general and specialized NAGPRA training, with an emphasis on quality, accessibility, and cost-effectiveness for participants. In this reporting period, the National NAGPRA Program provided program sponsored training and has partnered with the National Preservation Institute, Department of Defense, and the American University, Washington College of Law to provide training for Indian tribes, Native Hawaiian organizations, museums, Federal agencies and the public. The National NAGPRA Program also provides specialized training designed to address particular NAGPRA implementation issues as requested by a host Indian tribe, museum, or Federal agency. Training has been offered as part of larger conferences and as independent sessions of one to three days in length.

During FY2006, the National NAGPRA Program provided training for 1,189 individuals. FY2006 NAGPRA training offerings are summarized below (with number of attendees).

- USDA Forest Service, DC (30)
- American University, Washington College of Law (60) two presentations
- United States Holocaust Museum (40)
- Program sponsored training prior to November Review Committee meeting (80), and prior to May Review Committee meeting (45)
- American Anthropological Association (20)
- National Association of Indian Housing (80)
- Federal Training Working Group (68) two presentations
- National Park Service Washington Office employees (25)
- FBI Art Crime Team (14)
- Department of the Interior Solicitors (18)
- Good Neighbor Environmental Board (40)

- Buffalo River NP (20)
- Oklahoma tribes (49)
- National Preservation Institute, DC (12)
- National Guard Bureau (15)
- American Association of Museums (30)
- South Carolina Tribal Unity Conf. (45)
- USDA Forest Service & Washoe Tribe (23)
- USDA Forest Service, Craig AK (30)
- NATHPO Conference (220) three presentations
- DOD Cultural Resources Law Course (95)
- Udall Center Environmental Conflict Resolution, Facilitator Training (30)
- Tribal Training, Bad River (25)
- Museum Attorneys Group (45)
- National Preservation Institute, Santa Fe NM (30)

For more information on National NAGPRA training, see <http://www.cr.nps.gov/nagpra/TRAINING>, or contact David Tarler (David_Tarler@nps.gov).

Information Assistance

The National NAGPRA Program strives to maintain an exemplary standard of responsiveness to inquiries from the public and the media. The National NAGPRA Program monitors two public e-mail addresses, NAGPRA_Info@nps.gov and NAGPRA_Grants@nps.gov. Both e-mail addresses provide an effective way for members of the public to direct inquiries to the program. The National NAGPRA Website also features a "Press" page, with links to documents on the Website available for use as background by members of the media. All National NAGPRA staff respond to telephone inquiries from the media, Indian tribes, museums, Federal agencies, and the public to provide technical information.

During the reporting period, the National NAGPRA Program provided information to the following news outlets and media enterprises:

- Honolulu Advertiser
- Honolulu Star-Bulletin
- Native American Times
- Plain Dealer
- Rocky Mountain News
- Native America Calling (radio)
- Seattle Times
- Cortez Journal

The National NAGPRA Program provided information to the following members of Congress:

- Office of Congressman Ed Case
- Office of Senator John McCain
- Office of Senator Byron Dorgan
- Office of Senator Barack Obama

Website

The National NAGPRA Website (<http://www.cr.nps.gov/nagpra>) continues to be the program's primary medium for electronic communication. Major sections are summarized below.

The menu includes links to navigational pages for Frequently Asked Questions, Online Databases, Documents and Publications, Training, Law and Regulations, Notices, Review Committee, Special Topics, and the new Allegations of Failure to Comply. There are links to History & Culture (NPS cultural resources programs), ParkNet (the NPS homepage), FOIA statement, Privacy statement, Disclaimer, FirstGov (the U.S. Government's official Web portal) and a link to the U.S. Department of the Interior (DOI Home).

The Frequently Asked Questions page (<http://www.cr.nps.gov/nagpra/FAQ/index.htm>) is designed to provide answers to the most common NAGPRA questions. Topics addressed in the FAQ include NAGPRA information, as well as specialized subjects, such as inadvertent discoveries, the status of non-federally recognized Indian tribes under NAGPRA, and international repatriation. The FAQ also

includes links to the NAGPRA Glossary (see below for more information).

The National NAGPRA Program provides online access to four searchable databases—the Native American Consultation Database (NACD), Notices of Inventory Completion, Notices of Intent to Repatriate, and Culturally Unidentifiable Inventories, which were brought to an in-house server in FY2006.

The Documents and Publications page (<http://www.cr.nps.gov/nagpra/DOCUMENTS/index.htm>) provides a single point for locating the various print and electronic publications produced by the program. The Documents and Publications has links to maps (Indian Reservations in the Continental United States, Indian Land Areas Judicially Established 1978, and Military Bases in the Continental United States); and National NAGPRA reports, the twice yearly report of the National NAGPRA Program.

The Training page (<http://www.cr.nps.gov/nagpra/TRAINING/index.htm>) features a section titled "Training Resources," designed to provide online access to information that complements the National NAGPRA Program's training efforts. The Training Resources section includes links to PDF versions of many of the handouts used in National NAGPRA training, as well as a link to the NAGPRA Glossary (<http://www.cr.nps.gov/nagpra/TRAINING/GLOSSARY.htm>). The NAGPRA Glossary provides definitions for many of the specialized terms used in NAGPRA. Links to specific items in the Glossary appear throughout the National NAGPRA Website. The NAGPRA Glossary is a working document, and users are invited to submit comments to NAGPRA_info@nps.gov.

The Law and Regulations section of the Website (<http://www.cr.nps.gov/nagpra/MANDATES/index.htm>) includes subsections on "Summaries, Inventories, and Notices," "Excavations and Inadvertent Discoveries," "Consultation," "Legislative and Regulatory History," and "Congressional Oversight and Proposed Amendments." New information has also been added regarding the reserved sections of the

NAGPRA regulations (http://www.cr.nps.gov/nagpra/MANDATES/Reserved_Sections.htm).

For more information about National NAGPRA information systems, contact Cynthia Murdock, Database and Web Coordinator (Cynthia_Murdock@nps.gov).

Illegal Trafficking

NAGPRA provides criminal penalties for violations of 18 U.S.C. 1170, Illegal Trafficking in Native American Human Remains and Cultural Items.

The cases are investigated by Federal law enforcement agents and handled by the United States Attorney's offices throughout the country. The National NAGPRA Program offers training for attorneys and agents and provides technical assistance upon request. During FY2006 technical assistance was given to law enforcement agents investigating alleged offenses and to Assistant United States Attorneys prosecuting NAGPRA, Archaeological Resources Protection Act (ARPA) and other related cultural resource protection offenses.

,For technical assistance and to inquire about training, contact, David Tarler, J.D., David_Tarler@nps.gov.,

Cases including NAGPRA counts in FY2006 are:

- In the District of Hawaii, Daniel W. Taylor and John Carta each pled guilty to one count of conspiring to use for profit Native American cultural items obtained in violation of the Act (18 U.S.C. 371; 18 U.S.C 1170 (b)).
- Michael John Orf, Aaron Alan Devoe, and Theodore Paul DeVoe each were charged in the District of Oregon with one felony count of conspiring to use for profit Native American human remains without the right of possession and to violate the Archaeological Resources Protection Act (18 U.S.C. 371; 18 U.S.C. 1170 (a); 16 U.S.C. 470ee (a) and (b)), one misdemeanor count of using for profit Native American

human remains without the right of possession (18 U.S.C. 1170 (a)), two felony counts of violation of the Archaeological Resources Protection Act (16 U.S.C. 470ee (a) and (b)), one felony count of theft and embezzlement of government property (18 U.S.C. 641), and one felony count of injuring government property (18 U.S.C. 1361).

Program Operations

Operational Management

The National NAGPRA Program has undergone additional internal revision in FY2006. In April, Michelle J. Wilkinson, Ph.D. joined the National NAGPRA Program staff as Grants Coordinator. In addition, the new position of civil penalty and training coordinator was filled by David Tarler, J.D.. The program, as fully staffed, consists of a program manager, program secretary, notice coordinator, grants coordinator, Review Committee and regulations coordinator, a database and web coordinator, and a civil penalty and training coordinator.

The National NAGPRA Program also benefits from the cooperation and support of the National Park Service which provides a grants administrator and technical support services person, both within the Heritage Preservation Services Program of NPS, as well as financial management and budget assistance from the office of the Associate Director, Cultural Resources, NPS. The NPS Law Enforcement, Resource Protection, and Emergency Services Program has partnered with the National NAGPRA Program by lending personnel as an acting civil penalties coordinator until a full time employee was hired and by continuing to provide a law enforcement investigator to handle NAGPRA civil penalty cases. Additionally, the Law Enforcement program in NPS has partnered with the National NAGPRA Program to provide training on cultural resource protection.

The National NAGPRA Program utilized an antiquated software system until this year, when it was updated to increase productivity and reliability. Program databases previously maintained on an external server were brought in-house in FY2006 to reduce program costs.

Interns/Externs

The National NAGPRA Program forms partnerships with the National Center for Preservation Education (NCPE), law schools and universities, and the Cultural Resources Diversity Internship Program within NPS administered by the Student Conservation

Association (SCA). Interns and externs obtained from these sources provide numerous benefits to the National NAGPRA Program.

For FY2006, the National NAGPRA Program hosted interns/externs as follows—

- James DeBergh, extern, Washington College of Law, American University, state burial law project, under the direction of David Tarler, January to May 2006.
- Maria Elena Frias, diversity intern, SCA, research on the distribution of grants, under the direction of Michelle Joan Wilkinson, summer 2006.
- Sarah Husain, intern, NCPE, Royce Maps database project, under the direction of Cynthia Murdock, October 2005 to June 2006.
- Eve Oremond, extern, Washington College of Law, American University, research on national and international property law, under the direction of Tim McKeown, May to July 2006.

National NAGPRA Staff

The National NAGPRA staff roster as of September 30, 2006, is:

Program Manager: Sherry Hutt

Program Secretary: Robin Coates

Program Officers: Timothy McKeown

Cynthia Murdock

David Tarler

Michelle Joan Wilkinson

The program is assisted by contractors:

Jaime Lavalley

Lesa Hagel

The program is also assisted by NPS staff:

- Bob Palmer, Civil Enforcement investigator (in cooperation with Law Enforcement, Resource Protection and Effigy Mounds National Park)
- Bob Ruff, Grants administration
- Kathleen Murphy and Jane Fu, technical assistance and website maintenance
- Joe Wallis and Randall Bohnert, finance

FY2006 Budget

The National NAGPRA Program receives appropriations from Congress for grants and grants administration. Funding is also provided through the National Park Service. The figures below are in thousands and are approximate pending final invoices.

Funding:		Operational Expenses:	
Congressional net appropriation grants	\$ 2.400	Personnel Compensation:	\$ 662
Grants administration appropriation	176	Contractors, IT support:	66
Operations funding from NPS	350	Publication (Fed. Reg.)	40
		Travel for training	34
		IT contractors, server	30
		Equipment, telephone, fax, copier	10
		Supplies	8
		Civil penalties	10
		Interns	20
		Review Committee transcripts	32
		Review Committee travel & expenses	55
Total of funding sources:	\$ 2.926	Total of operational expense	\$ 997
		Total Grants awards	\$1.895
		Congressional across the board cut	\$ 34
		Total expense	\$2.926

NATIONAL NAGPRA ORGANIZATIONAL CHART

